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Attorneys for Plaintiffs  
ANTHONY CARUSO & MARIA CARUSO

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT**

ANTHONY CARUSO, an Individual;  
MARIA CARUSO, an Individual,

Plaintiffs,

v.

FNB BANCORP, a California Corporation,  
doing business as FIRST NATIONAL BANK  
OF NORTHERN CALIFORNIA, a National  
Banking Association;  
FIRST AMERICAN TITLE INSURANCE  
COMPANY, a California Corporation;  
RANDY BURGIONI, an Individual; and  
DOES 1-10, Inclusive,

Defendants.

Case No. C 12-05635 WHA

**PLAINTIFFS' NOTICE OF  
VOLUNTARY DISMISSAL WITHOUT  
PREJUDICE PURSUANT TO FEDERAL  
RULE OF CIVIL PROCEDURE 41(a)(1)**

PLEASE TAKE NOTICE that Plaintiffs ANTHONY CARUSO and MARIA CARUSO ("Plaintiffs"), pursuant to Federal Rule of Civil Procedure 41(a)(1), hereby voluntarily dismiss all claims in this action without prejudice as to all Defendants, *i.e.*, FNB BANCORP, a California Corporation, doing business as FIRST NATIONAL BANK OF NORTHERN CALIFORNIA, a National Banking Association; FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation; RANDY BURGIONI, an Individual.

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1 Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

2 (a) Voluntary Dismissal.

3 (1) By the Plaintiff.

4 (A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2,  
5 and 66 and any applicable federal statute, the plaintiff may dismiss  
6 an action without a court order by filing:

7 (i) a notice of dismissal before the opposing party serves  
8 either an answer or a motion for summary judgment \* \* \*

9 Defendants have neither answered Plaintiff's Complaint, nor filed a motion for summary  
10 judgment. Accordingly, this matter may be dismissed without prejudice and without an Order of  
11 the Court.

12 Dated: January 27, 2013

**LAW OFFICES OF PAUL J. SMOOT**

13  
14 /s/ Paul J. Smoot  
Paul J. Smoot, Attorney for Plaintiffs

1 MATTER: CARUSO v. FNB BANCORP, et al. Case No. C 12-05635 WHA

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3 **CERTIFICATE OF SERVICE**

4 I, Paul J. Smoot, certify as follows:

5 I am over eighteen years of age and not a party to the within action. My business address  
6 is 1290 Howard Avenue, Suite 303, Burlingame, CA 94402. I am employed in San Mateo  
7 County, California. On January 27, 2013, I, Paul J. Smoot, an attorney, certify that I served the  
8 above and foregoing Plaintiffs' Notice of Voluntary Dismissal Without Prejudice Pursuant to  
Federal Rule of Civil Procedure 41(a)(1), by causing true and accurate copies of such paper to be  
filed and transmitted to the persons shown below via the Court's CM/ECF electronic filing  
system, on this the 27th day of January, 2013.

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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

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19 /s/ Paul J. Smoot

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